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DKW
Atty. Dkt. No. 047940-0139

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Koichi MASUDA et al.
Title: ENGINEERED INTERVERTEBRAL
DISC TISSUE
Appl. No.: 10/084,640
Filing Date: 2/25/2002
Examiner: David M. Naff
Art Unit: 1651

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below. Kathryn E. Cox (Printed Name) <i>Kathryn E. Cox</i> (Signature) September 22, 2004 (Date of Deposit)
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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed August 27, 2004, applicants hereby provisionally elect Group I, claims 1-8 and 14-19. Applicants respectfully request reconsideration and withdrawal of the restriction requirement between Groups I and II for the reasons discussed below.

The one-month time set for response to the restriction requirement is September 27, 2004. Therefore, applicants believe this response is timely filed. Applicants believe no fee is due for this filing. However, should any fee be required, the Commissioner is hereby authorized to charge such fee in connection with this submission to Deposit Account No. 50-2350. A duplicate copy of this Response is enclosed for such purposes.